

Entered on Docket

August 21, 2019

EDWARD J. EMMONS, CLERK

U.S. BANKRUPTCY COURT

NORTHERN DISTRICT OF CALIFORNIA



Signed and Filed: August 21, 2019

DENNIS MONTALI
U.S. Bankruptcy Judge

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13 UNITED STATES BANKRUPTCY COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 SAN FRANCISCO DIVISION

16 In re:

PG&E CORPORATION

-and-

18 PACIFIC GAS AND ELECTRIC
COMPANY,

19 Debtors.

- 20 Affects PG&E Corporation
21 Affects Pacific Gas and Electric Company
22 ■ Affects both Debtors

23 *All papers shall be filed in the Lead Case,
No. 19-30088 (DM)

Bankruptcy Case
No. 19-30088 (DM)

Chapter 11
(Lead Case)
(Jointly Administered)

25 ORDER GRANTING THE MOTION OF
26 THE OFFICIAL COMMITTEE OF
27 TORT CLAIMANTS FOR RELIEF
28 FROM AUTOMATIC STAY

1 The Official Committee of Tort Claimants (the “TCC”), on July 2, 2019, filed a motion
2 (the “**Motion**”) (Dkt. No. 2842),¹ pursuant to section 362(d)(1) of title 11 of the United States Code
3 (the “**Bankruptcy Code**”), sections 1334(c) and 1452(b) of title 28, Rules 4001 and 5011(b) of the
4 Federal Rules of Bankruptcy Procedure and Rule 4004-1 of the Bankruptcy Local Rules for the
5 United States District Court for the Northern District of California for entry of an order terminating
6 the automatic stay to permit certain individuals to proceed to a jury trial on their personal injury
7 and property damage claims against the Debtors arising from the 2017 Tubbs Fire in the California
8 Superior Court, and to request the Court in the California North Bay Fire Cases, JCCP 4955, to
9 order the claims of those individuals to proceed to a jury trial with preference pursuant to Code of
10 Civil Procedure section 36. On July 9, 2019, the TCC filed an amendment to the Motion to include
11 a number of individuals with personal injury, wrongful death and property damage claims, as listed
12 on **Exhibit A** hereto (the “**Tubbs Preference Plaintiffs**”) (Dkt. No. 2904).

13 The following joinders were filed to the Motion: (1) the joinder by Co-Lead Counsel to the
14 North Bay Fire Cases, dated July 2, 2019 (Dkt. No. 2850); (2) the joinder by Barbara Thompson,
15 John Thompson, Matthew Thompson, Peter Thompson, Raymond Breitenstein, and Stephen
16 Breitenstein, dated July 3, 2019 (Dkt. No. 2861); (3) the joinder by John Caslin and Phyllis Lowe,
17 dated July 11, 2019 (Dkt. No. 2929); (4) the joinder by William Edelen, Roxanne Edelen, The
18 William L. Edelen and Roxanne G. Edelen Trust Agreement Dated June 22, 2011, Burton Fohrman,
19 Raleigh Fohrman, The Fohrman Family Trust Dated February 3, 1976, Jeremy Olsan, Ann DuBay,
20 Jacob Olsan, the Jeremy L. Olsan and Ann M. DuBay Trust Dated November 29, 2011, Kathleen
21 Groppe, Ken Kirven, Brian Kirven, and the Estate of Monte Kirven, dated July 11, 2019 (Dkt. No.
22 2930); (5) the joinder by Don Louis Kamprath, Ruth Kamprath, the Donald L. Kamprath and Ruth
23 Johnson Kamprath Revocable Trust, Elizabeth Fourkas, Pete Fourkas, Alissa Fourkas, the Fourkas
24 Family Trust, Greg Wilson, and Christina Wilson, dated July 11, 2019 (Dkt. No. 2942); (7) the
25 joinder by Armando A. Berriz, Armando J. Berriz, Carmen T. Meissner, Monica Berriz, and the
26 Estate of Carmen Caldentey Berriz, dated July 11, 2019 (Dkt. No. 2943); and (8) the joinder by the

27

¹ Capitalized terms used but not otherwise defined herein shall have the meanings given to them in the Motion.
28

1 Singleton Law Firm Victim Claimants, dated July 18, 2019, to add the individuals listed on
2 **Exhibit B** hereto (Dkt. No. 3067).

3 The Ad Hoc Group of Subrogation Claim Holders², on July 3, 2019, filed a Motion for
4 Relief from the Automatic Stay, dated July 3, 2019 (the “**Subrogation Motion**”) (Dkt. No. 2863).
5 The following joinders were filed to the Subrogation Motion: (1) the joinder filed on behalf of
6 AMICA Mutual Insurance Company, BG Resolution Partners I-A, L.L.C. (an Affiliate of The
7 Baupost Group, L.L.C.), Encompass Insurance Company, Fire Insurance Exchange, Hartford
8 Accident & Indemnity Company, Liberty Insurance Corporation, Mercury Insurance, Nationwide
9 Mutual Insurance Company, and United Services Automobile Association, dated July 12, 2019
10 (Dkt. No. 2959) (the “**July 12 Joinder**”); and (2) the joinder by State Farm Mutual Automobile
11 Insurance Company and its affiliates and subsidiaries, dated July 15, 2019 (Dkt. No. 2983) (the
12 “**July 15 Joinder**”). The parties to the July 12 Joinder and the July 15 Joinder are collectively
13 referred to herein as the “**Subrogation Joining Parties**.³”

14 On July 19, 2019, the following papers were filed in opposition to the Motion and the
15 Subrogation Motion: (1) the Debtors filed an objection (Dkt. No. 3104) and the declaration of
16 Kevin J. Orsini in support thereof (Dkt. No. 3105); (2) the Official Committee of Unsecured
17 Creditors filed an objection (Dkt. No. 3101) and the declaration of Thomas R. Kreller in support
18 thereof (Dkt. No. 3102); (3) the Ad Hoc Committee of Senior Unsecured Noteholders filed a joinder
19 to the Official Committee of Unsecured Creditors’ objection (Dkt. No. 3106); and (4) certain PG&E
20 shareholders filed an objection (Dkt. No. 3108).

21 On August 7, 2019, Barbara Thompson, John Thompson, Matthew Thompson, Peter
22 Thompson, Raymond Breitenstein and Stephen Breitenstein filed a reply in support of their joinder
23 in the Motion (Dkt. No. 3407), Sonoma Clean Power Authority filed a statement and a reservation
24 of rights on the Motion and the Subrogation Motion (Dkt. No. 3415), and the Singleton Law Firm
25 Victim Claimants filed a response in support of the Motion (Dkt. No. 3449).

26 _____
27 ² The Ad Hoc Group of Subrogation Claim Holders includes all of the members listed on Exhibit A to the Third
28 Amended Verified Statement of the Ad Hoc Group of Subrogation Claim Holders filed on July 17, 2019 (Dkt. No.
3020).

1 On August 14, 2019, the Court held a hearing on the Motion, the Subrogation Motion, and
2 the joinders thereto. The Court considered the Motion, the declarations of Steven M. Campora,
3 Robert A. Julian, and Brent C. Williams, the amended declaration of Michael A. Kelly, the joinders
4 to the Motion, the replies in support of the Motion, the Subrogation Motion, the declaration of
5 Benjamin P. McCallen, the joinders to the Subrogation Motion, the oppositions of the Debtors, the
6 Official Committee of Unsecured Creditors, the Ad Hoc Committee of Senior Unsecured
7 Noteholders, and the PG&E shareholders, and the declarations of Kevin J. Orsini and Thomas R.
8 Kreller. On August 16, 2019, the Court issued its Decision Regarding Motions for Relief from
9 Stay (“**Memorandum Decision**”) (Dkt. No. 3571).

10 Now therefore, the Court having considered the papers and the argument of counsel at the
11 hearing, and for the reasons stated in the Memorandum Decision, **IT IS HEREBY ORDERED**
12 **THAT:**

13 1. The Motion and the joinders thereto are granted and the automatic stay is terminated
14 as to the alleged preference plaintiffs listed on Exhibits A and B hereto, to take any actions
15 necessary or appropriate to prosecute their claims against the Debtors arising solely from the 2017
16 Tubbs Fire as set forth in the Complaints against the Debtors, attached to the Motion, and as may
17 be amended, to judgment, and to request the California Superior Court in the California North Bay
18 Fire Cases, JCCP 4955, to order the Tubbs Preference Plaintiffs' claims to trial with preference
19 pursuant to Code of Civil Procedure section 36.

20 2. The automatic stay shall remain in full force and effect for all other purposes
21 including with respect to the enforcement of any judgment that may be obtained by reason of the
22 termination of the automatic stay as provided above.

3. Notwithstanding Bankruptcy Rule 4001(a)(3), or any other Bankruptcy Rule, this
Order shall be immediately effective and enforceable upon its entry.

25 4. This Court shall retain jurisdiction to hear and determine all matters arising from or
26 related to the implementation, interpretation, or enforcement of this Order.

** END OF ORDER **

EXHIBIT A

Alleged Tubbs Preference Plaintiffs Identified in the Motion and Alleged Indispensable Parties Thereto

Barbara Thompson (Joinder Dkt. No. 2861)

Indispensable Party: John Thompson (Joinder Dkt. No. 2861)

Indispensable Party: Matthew Thompson (Joinder Dkt. No. 2861)

Indispensable Party: Peter Thompson (Joinder Dkt. No. 2861)

Raymond Breitenstein (Joinder Dkt. No. 2861)

Indispensable Party: Stephen Breitenstein (Joinder Dkt. No. 2861)

John Caslin (Joinder Dkt. No. 2929)

Phyllis Lowe (Joinder Dkt. No. 2929)

William Edelen (Joinder Dkt. No. 2930)

Indispensable Party: Roxanne Edelen (Joinder Dkt. No. 2930)

Indispensable Party: The William L. Edelen and Roxanne G. Edelen Trust Agreement
Dated June 22, 2011 (Joinder Dkt. No. 2930)

Burton Fohrman (Joinder Dkt. No. 2930)

Indispensable Party: Raleigh Fohrman (Joinder Dkt. No. 2930)

Indispensable Party: The Fohrman Family Trust Dated February 3, 1976 (Joinder Dkt.
No. 2930)

Indispensable Party: Jeremy Olsan (Joinder Dkt. No. 2930)

Indispensable Party: Ann DuBay (Joinder Dkt. No. 2930)

Indispensable Party: Jacob Olsan (Joinder Dkt. No. 2930)

Indispensable Party: The Jeremy L. Olsan and Ann M. DuBay Trust Dated November 29,
2011 (Joinder Dkt. No. 2930)

Heirs of decedent Monte Kirven (Kathleen Groppe, Ken Kirven and Brian Kirven) (Joinder Dkt.
No. 2930)

Indispensable Party: Kathleen Groppe (Joinder Dkt. No. 2930)

Indispensable Party: Ken Kirven (Joinder Dkt. No. 2930)

Indispensable Party: Brian Kirven (Joinder Dkt. No. 2930)

Indispensable Party: The Estate of Monte Kirven (Joinder Dkt. No. 2930)

1 Don Louis Kamprath (Joinder Dkt. No. 2942)

2 Indispensable Party: Ruth Kamprath (Joinder Dkt. No. 2942)

3 Indispensable Party: The Donald L. Kamprath and Ruth Johnson Kamprath Revocable
4 Trust (Joinder Dkt. No. 2942)

5 Elizabeth Fourkas (Joinder Dkt. No. 2942)

6 Indispensable Party: Pete Fourkas (Joinder Dkt. No. 2942)

7 Indispensable Party: Alissa Fourkas (Joinder Dkt. No. 2942)

8 Indispensable Party: The Fourkas Family Trust (Joinder Dkt. No. 2942)

9 Greg Wilson (Joinder Dkt. No. 2942)

10 Christina Wilson (Joinder Dkt. No. 2942)

11 Armando A. Berriz (Joinder Dkt. No. 2943)

12 Heirs of Carmen Caldentey Berriz (Armando J. Berriz, Carmen T. Meissner, Monica Berriz)
(Joinder Dkt. No. 2943)

13 Indispensable Party: The Estate of Carmen Caldentey Berriz (Joinder Dkt. No. 2943)

14 Indispensable Party: Armando J. Berriz (Joinder Dkt. No. 2943)

15 Indispensable Party: Carmen T. Meissner (Joinder Dkt. No. 2943)

16 Indispensable Party: Monica Berriz (Joinder Dkt. No. 2943)

Exhibit B

Preference Plaintiffs Identified in Joinder of Singleton Law Firm Victim Claimants (Dkt. No. 3067)

Thomas Milton Howard

Catherine Maffioli

Glenda Samson

Barbara Spengler

Evelyn Venturi

1 **SERVICE LIST**

2
3 U.S. Nuclear Regulatory Commission
4 Attn: General Counsel
5 Washington, D.C. 20555-0001

6 PG&E Corporation and
7 Pacific Gas and Electric Company
8 Attn: Janet Loduca
9 77 Beale Street
10 P.O. Box 770000
11 San Francisco, CA 94105

Notice Recipients

District/Off: 0971-3
Case: 19-30088

User: bgapuz
Form ID: pdfeoc

Date Created: 8/21/2019
Total: 3

Recipients submitted to the BNC (Bankruptcy Noticing Center):

db	PG&E Corporation	77 Beale Street	P.O. Box 770000	San Francisco, CA 94177
	U.S. Nuclear Regulatory Commission		Attn: General Counsel	Washington, D.C. 205550001
	PG&E Corporation and Street	Pacific Gas and Electric Company P.O. Box 770000		Attn: Janet Loduca 77 Beale San Francisco, CA 94105

TOTAL: 3